

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 11, 2022****CASE NUMBER**

6469 / 4539

**APPLICANT NAME**

Tracy Diehl

**LOCATION**3274 Dauphin Street  
(North side of Dauphin Street, 350'± East of Interstate 65).**VARIANCE REQUEST****SIGN:** Sign Variance to allow a total of 14 signs, some of which are located in the right-of-way for a single-business site in a B-3, Community Business District.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance limits single-business sites to a total of three (3) signs, with all signs to be located on private property in a B-3, Community Business District.**ZONING**

B-3, Community Business

**AREA OF PROPERTY**

1± Acre

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

The project is at the intersection of Dauphin Street (City of Mobile) and North I-65 Service Road East. Ownership of the right-of-way needs to be clearly understood so the appropriate entity can allow or disallow the sign in the right-of-way. A non-utility right-of-way use will be required for any private property sign in City right-of-way.

**CITY COUNCIL  
DISTRICT**

District 1

**ANALYSIS**

The applicant is requesting a Sign Variance to allow a total of 14 signs, some of which are located in the right-of-way for a single-business site in a B-3, Community Business District; the Zoning Ordinance limits single-business sites to a total of three (3) signs, with all signs to be located on private property in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework

Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The site was originally part of the 7-lot, College Park Northeastern Quadrangle Subdivision, approved by the Planning Commission and recorded in Mobile County Probate Court in September 1971.

Additionally, at its March 1996 meeting, the Board of Zoning Adjustment approved a Sign Variance to allow two (2) freestanding signs on this site, a gas station with convenience store, subject to the condition that both signs were located on the premises, with no parts thereof in the right-of-way.

The gas station and convenience store have since been demolished and the property is being redeveloped for an automated car wash. No narrative was provided to justify the request for an increase in the number of allowable signs.

As a single business site, the Zoning Ordinance allows a total of three (3) signs, with no more than one (1) freestanding sign, not to exceed a height of 35 feet. As mentioned, the previous variance approval allowed two (2) freestanding signs, one (1) of which is a high-rise sign that is proposed to be refaced and is not part of this request. Two (2) wall signs that meet the requirements of the Zoning Ordinance are proposed to be placed on the East and West building elevations, and are also not part of this request. The applicant is requesting, however, 14 additional signs, three (3) of which are proposed to be placed within the right-of-way:

- One (1) monument sign, 20 feet in height, with an aggregate 136.4 square-foot display area, per face, to be located within the right-of-way (sign A.1);
- Two (2) drive-up menu board signs, each 9.2 feet in height, and each with 27.5± square-feet of display area (signs D.1 and D.2);
- One (1) entrance sign, three (3) feet in height, with three (3) square feet of display area, per face, to be located within the right-of-way (sign E);
- Two (2) directional signs, six (6) feet in height, each with a corporate logo and three (3) square feet of display area, per face, one (1) of which is to be located within the right-of-way (signs F.1 and F.2);
- One (1) sign, with an aggregate 65± square-foot display area, to be secured to each door of a dumpster gate (sign G);
- Four (4) marketing signs, each proposed to be attached to various surfaces, and each with a 15 square-foot display area (not shown on site plan, see H);
- Two (2) marketing signs, each proposed to be attached to each gate arm at the car wash entrance, and each with a 13.25± square-foot display area (not shown on site plan, see H); and,
- One (1) portable spring-frame marketing sign, with an 8.5± square-foot display area, per side (not shown on site plan, see H).

Besides the two (2) menu board signs and directional signage, all other signage could be considered excessive as the signs that can be permitted by-right on the property will clearly identify the car wash brand.

It should be noted that signs placed within the right-of-way require approval from the Right-of-Way Secondary Use Committee, a process handled by the Right-of-Way Engineering Department. The signs in the right-of-way must be approved by the entity owning the right-of-way, either the City of Mobile, ALDOT, or both, if applicable. The applicant must obtain approval from said committee prior to installation of the signs. However, the applicant should note that if the entrance sign is relocated to private property, variance and committee approval will be unnecessary as no corporate logo is proposed to be displayed on the sign.

It should also be noted that the two (2) menu board signs may be permitted by right under Section 64-11.8.c.(2) given there are two (2) lanes providing drive-thru car wash services, and each proposed sign meets the height and size provisions of the ordinance. Additionally, if the two (2) directional signs do not display any corporate logo and are placed on private property, variance approval would not be necessary as directional signs with less than 20 square feet and not containing any business logo are allowed by right. Moreover, right-of-way approval would not be required if on private property.

No justification for the variance was provided by the applicant, but staff is aware of several similar variance requests within the vicinity of the subject site having been approved over the years. It would appear that, given the proximity of the site to the interstate intersection and the resulting grading limiting the view of establishments closest to the I-65 interchange ramps, and the fact that the site is set back a good distance from the Dauphin Street right-of-way due to the intersecting service road, approving additional signage may be appropriate. However, such signage should be limited to a reasonable amount such that the proposed business is adequately advertised and not a distraction for drivers. Moreover, as previously stated, the sign regulations were adopted to provide a positive image of the City and to provide equal and fair advertisement for businesses.

The existing high-rise sign will provide adequate visibility from the interstate, as it has done so for years, but adequate visibility of the site from Dauphin Street may be a challenge without the proposed monument sign. As such, considering that the entrance and directional signs can be amended to comply with the Zoning Ordinance and be placed on private property, and the menu boards may be permitted by right, all other signage besides the existing high-rise sign, proposed wall signs, and proposed monument sign, may be considered not only excessive, but unnecessary.

It should be reiterated that variances are not intended to be granted frequently, and approving the variance would, as a result, be contrary to at least Sections 64-11.6. and 64-11.8.c.(2) of the Zoning Ordinance. It is understandable that the applicant wishes to maximize their visibility from the interstate and Dauphin Street, but the applicant has not provided any information on how complying with the Sign Regulation Provisions of the Zoning Ordinance would not do so. Moreover, the applicant has not demonstrated that a literal enforcement of the Zoning Ordinance would result in any hardship. Instead, the applicant simply wishes to have additional signage. Previous approvals by the Board for similar requests within the vicinity of the subject site may justify partial approval of the variance, especially when taking into consideration the site's distance from Dauphin Street and its proximity to the Interstate 65 intersection and its interchange ramps.

Each sign approved by the Board will require a separate Sign Permit, and each sign will need to meet the 145 mile-per-hour wind load specifications required by the current Building Code.

**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval of the Monument Sign on private property and two (2) Menu Board Signs:

- 1) Approving the variance request will not be contrary to the public interest since the Board has approved similar requests for businesses within the vicinity of the subject site;
- 2) Special conditions do appear to exist in such a way that a literal enforcement of the

provisions of the chapter will result in unnecessary hardship since the site is located below the grade of an interstate interchange and set back excessively from Dauphin Street due to an intersecting service road, thus reducing visibility of the site; and,

- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because other businesses with similar visibility issues within the vicinity of the subject site have been allowed to have adequate signage.

The approval should be subject to the following conditions:

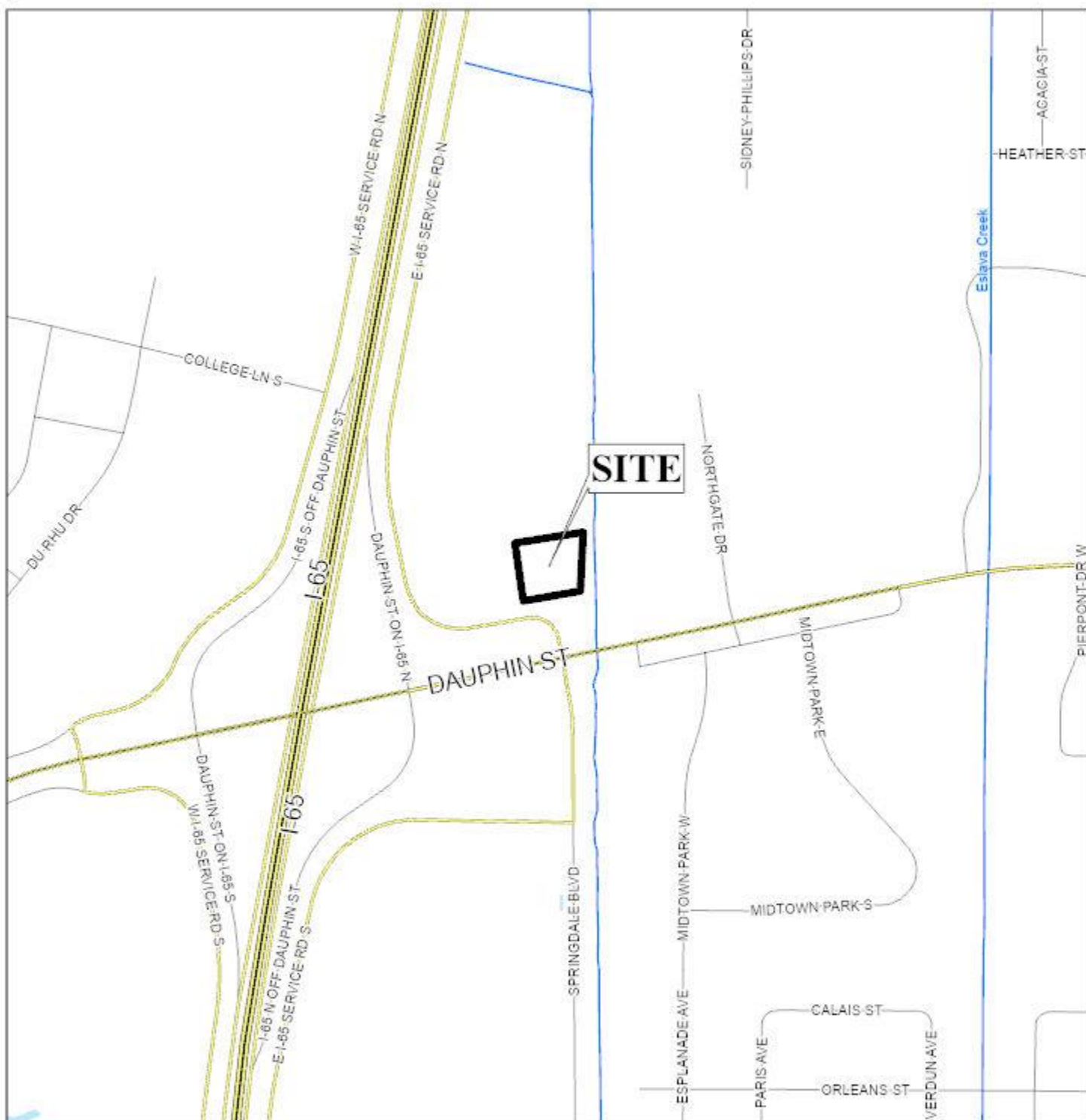
- 1) Approval from the Right-of-Way Secondary Use Committee to allow the monument sign to be placed within the right-of-way, prior to the approval of any Sign Permit;
- 2) Attainment of Sign Permits for each sign from the Planning and Zoning Department;
- 3) Attainment of Electrical Permits for each internally illuminated sign from the Central Permitting Department; and,
- 4) Compliance with all other Codes and Ordinances.

Based upon the preceding, Staff recommends to the Board the following findings of fact for Denial of the Entrance Sign, two (2) Directional Signs, Dumpster Gate Sign, and seven (7) Marketing Signs:

- 1) Approving the variance request will be contrary to the public interest in that it will be contrary to at least Sections 64-11.6. and 64-11.8.c.(2) of the Zoning Ordinance regarding signage;
- 2) Special conditions do not appear to exist in such a way that a literal enforcement of the provisions of the chapter will result in unnecessary hardship since the Entrance Sign and two (2) Directional Signs do not require special approvals if placed on private property and any corporate logo removed, and because there is no justification provided for the requested Dumpster Gate Sign or seven (7) Marketing Signs; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the Variance because there are no businesses within the vicinity of the subject site that have been granted approvals for such excessive amounts of signage.



# LOCATOR MAP



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APPLICANT Tracy Diehl  
REQUEST Sign Variance



# LOCATOR ZONING MAP

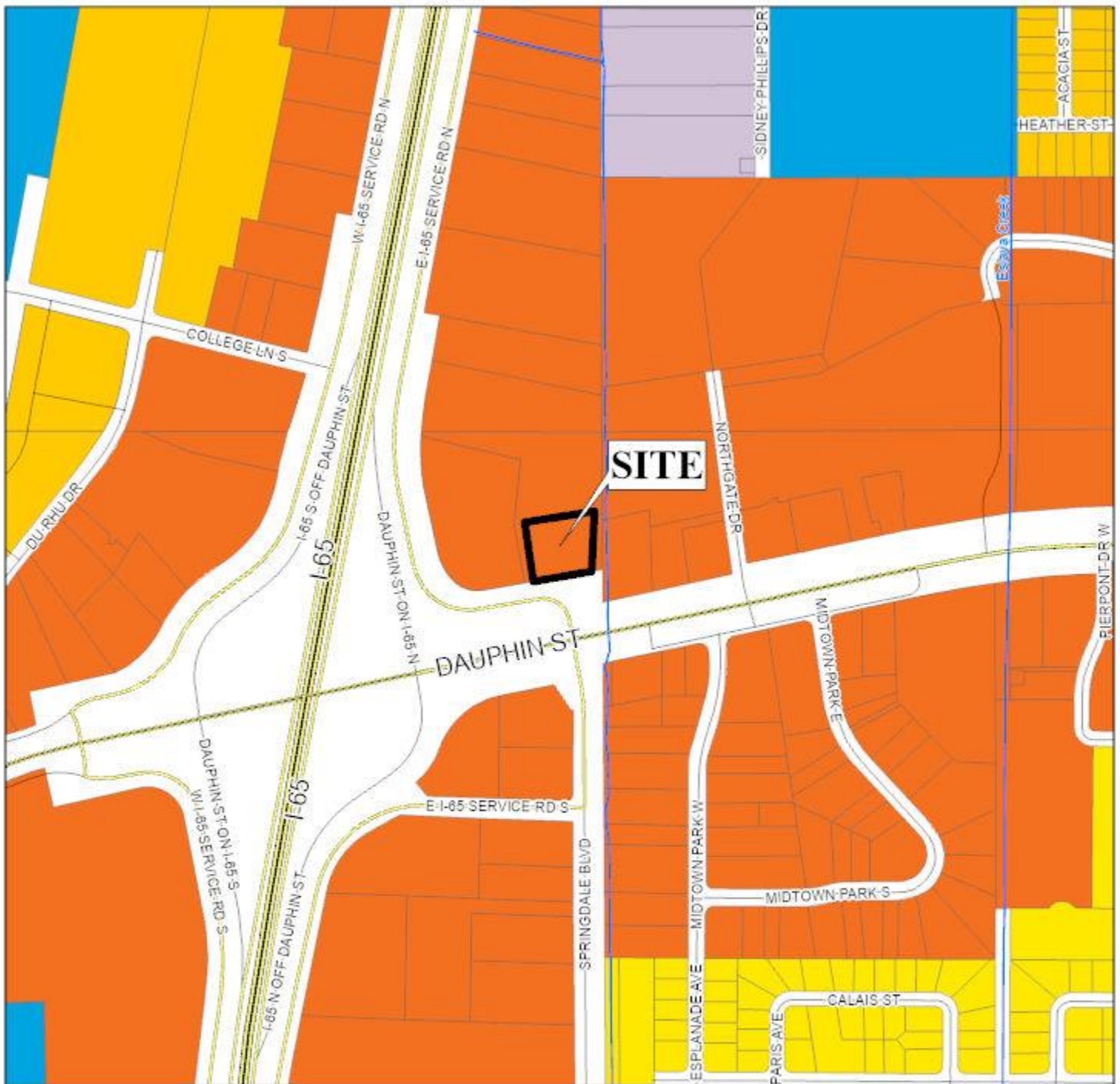


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# FLUM LOCATOR MAP



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APPLICANT Tracy Diehl

REQUEST Sign Variance

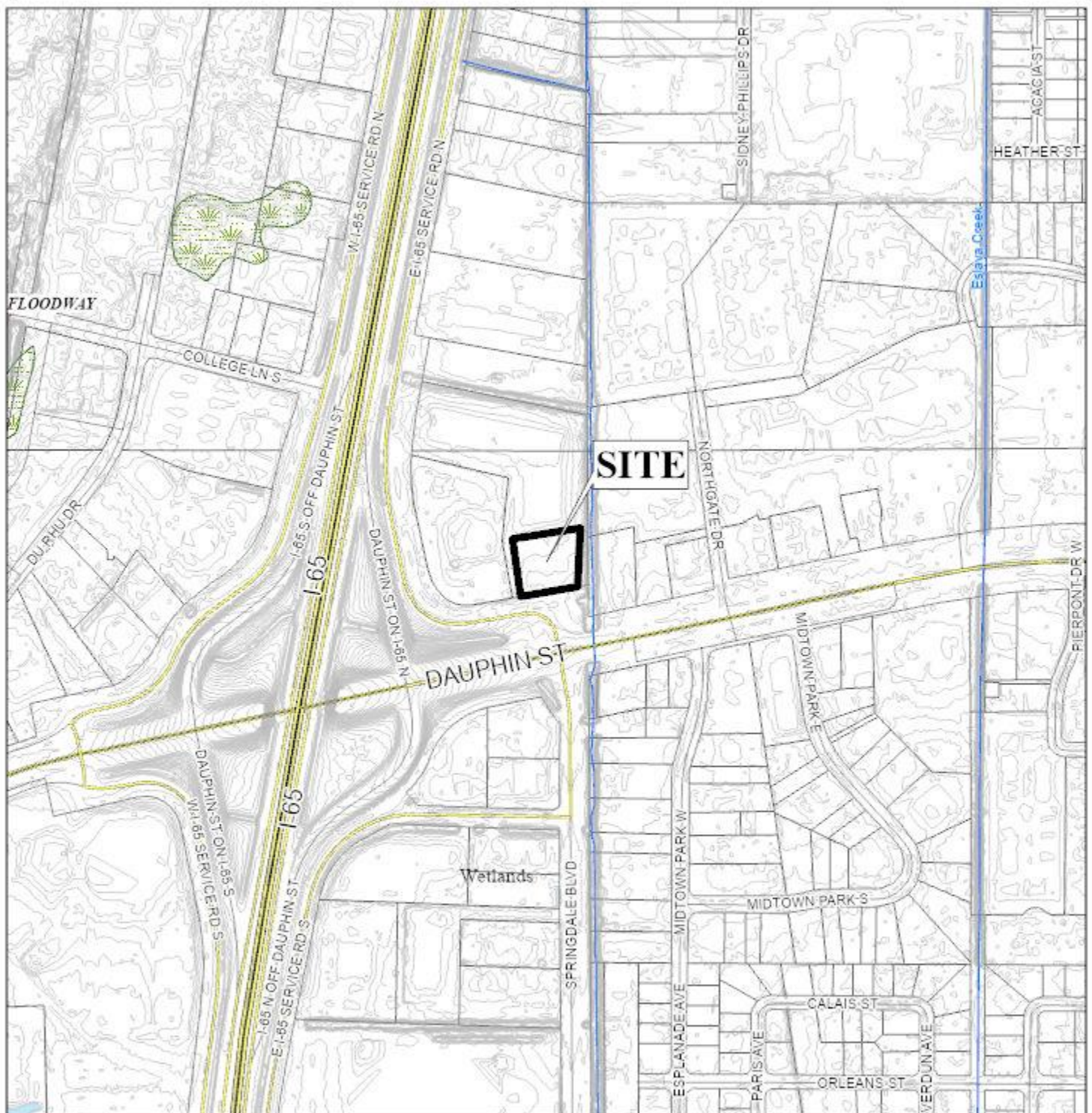
## Layer2

Low Density Residential	Downtown	Traditional Corridor	Heavy Industry
Mixed Density Residential	District Center	Mixed Commercial Corridor	Institutional
	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
	Neighborhood Center - Suburban	Light Industry	Water Dependent





# ENVIRONMENTAL LOCATOR MAP

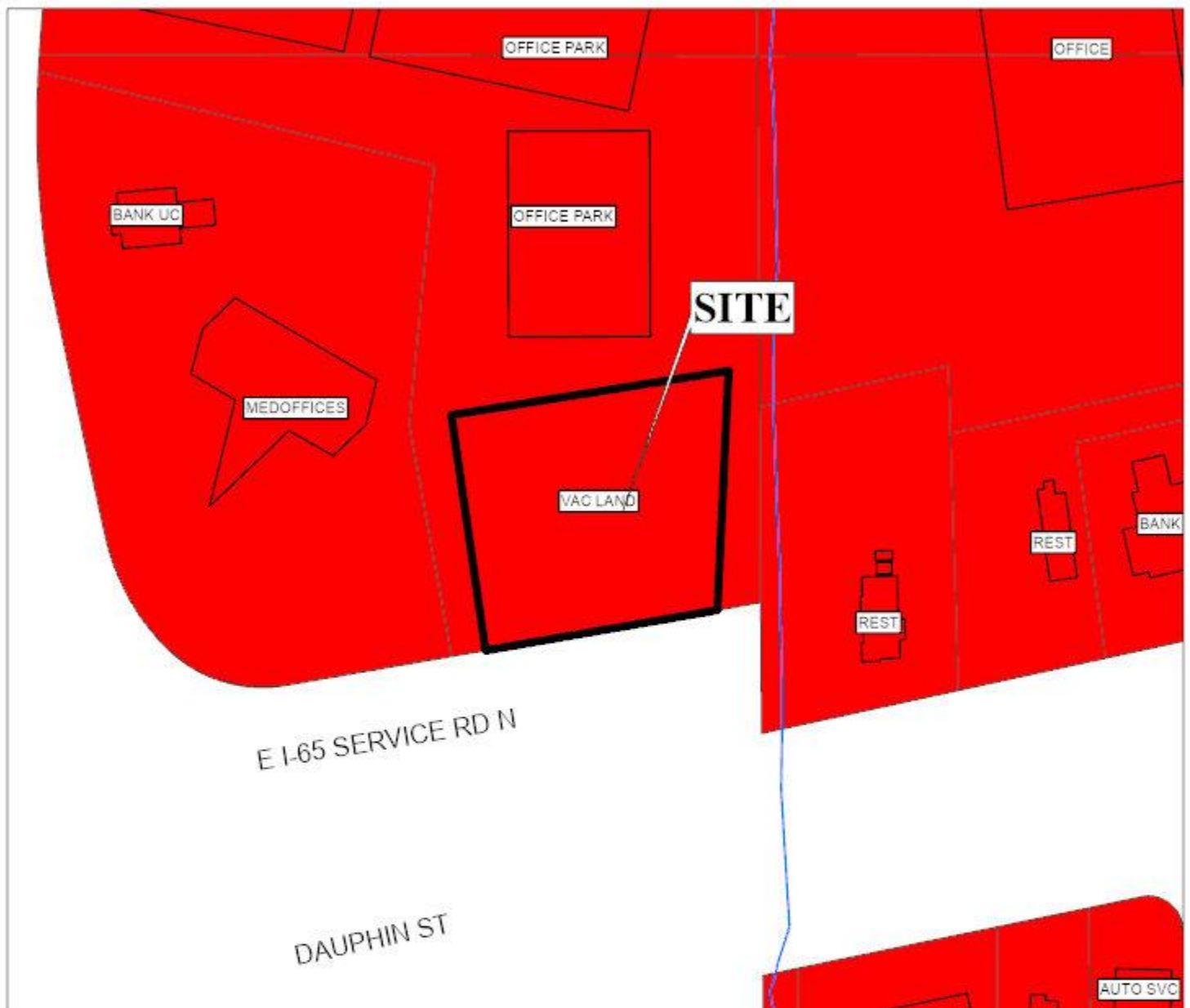


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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

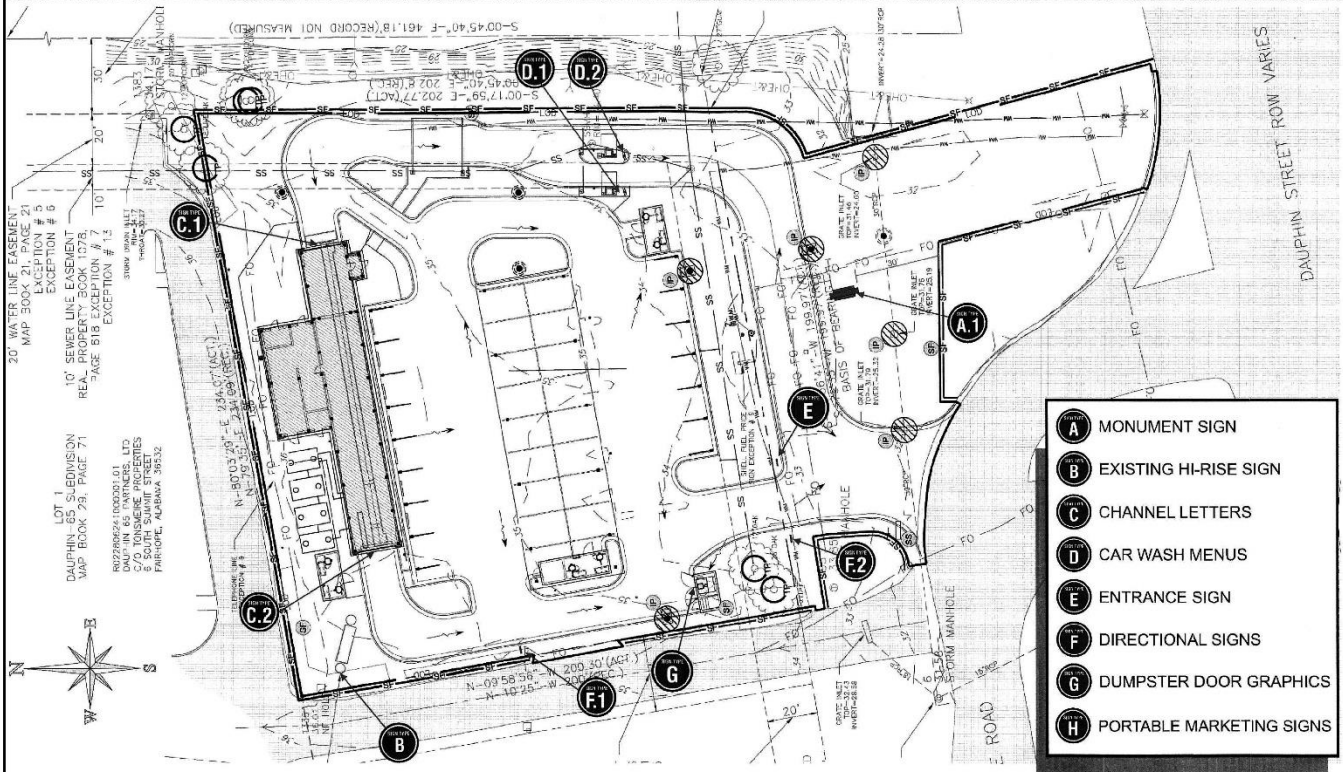


This site is surrounded by commercial units.

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REQUEST	Sign Variance		



# SITE PLAN



This site plan illustrates the locations of the signs.

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REQUEST Sign Variance





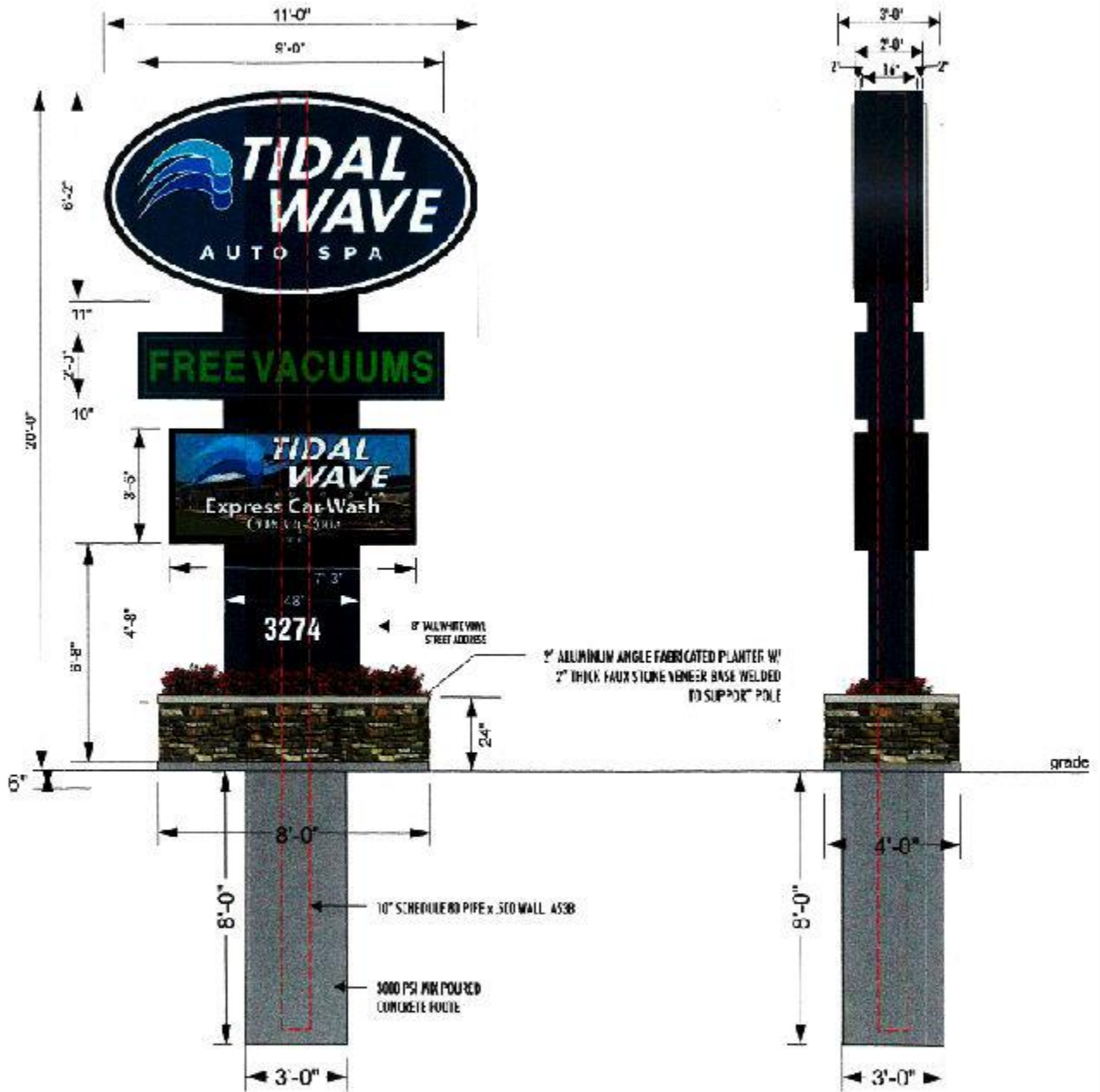
## DETAIL SITE PLAN

SIGN TYPE A: INTERNALLY ILLUMINATED MONUMENT SIGN  
DOUBLE FACED 98.38 SQ. FT.  
QTY: 1

QTY: 1

**98.38 SQ. FT.**

A



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REQUEST\_\_\_\_\_ Sign Variance



NTS

NTS

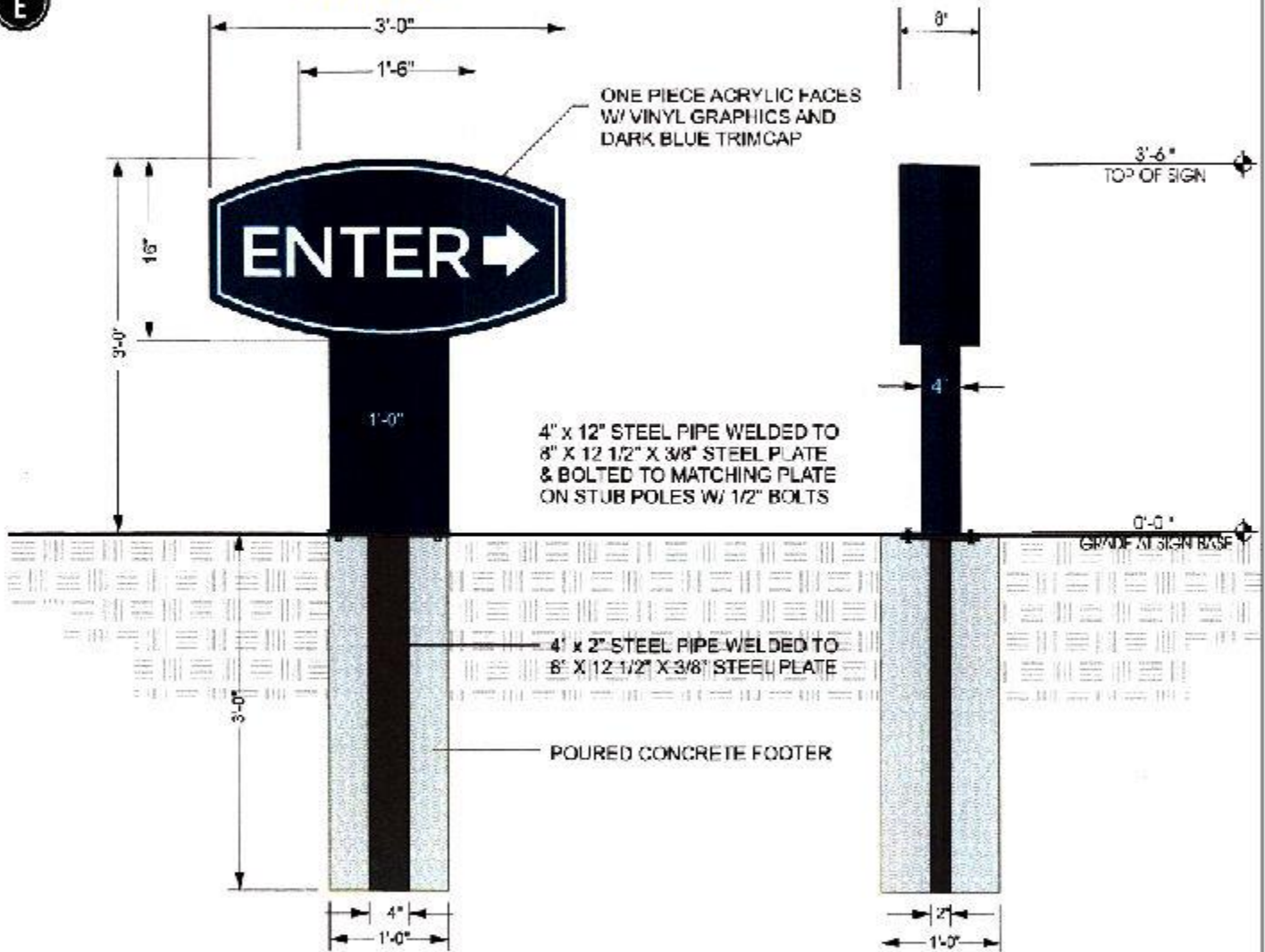
## DETAIL SITE PLAN

### SIGN TYPE E: DOUBLE FACED ILLUMINATED ENTRANCE SIGN

QTY: 1



4 SQUARE FEET



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REQUEST\_\_\_\_\_ Sign Variance



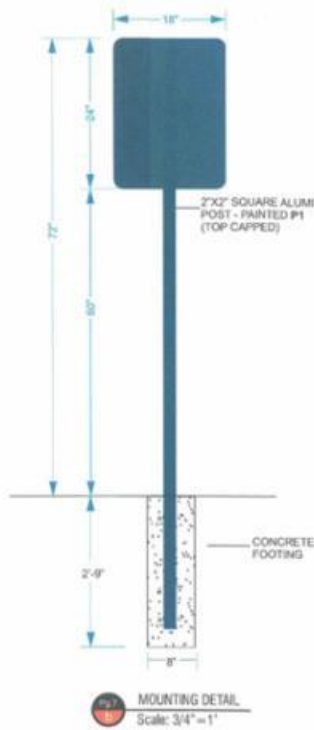
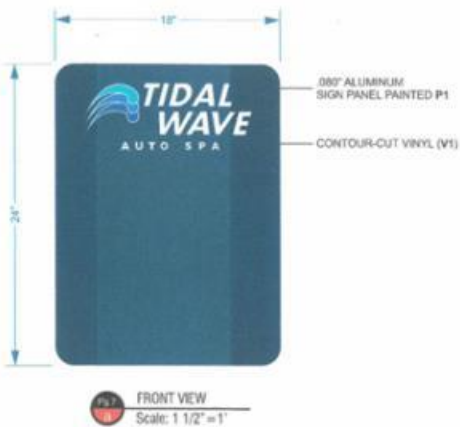
NTS



# DETAIL SITE PLAN

SIGN TYPE F: DIRECTIONAL POST & PANEL SIGNS  
QTY: 2

F



SIGN TYPE E: DIRECTIONAL POST & PANEL SIGNS  
MESSAGE SCHEDULE

F.1



F.2



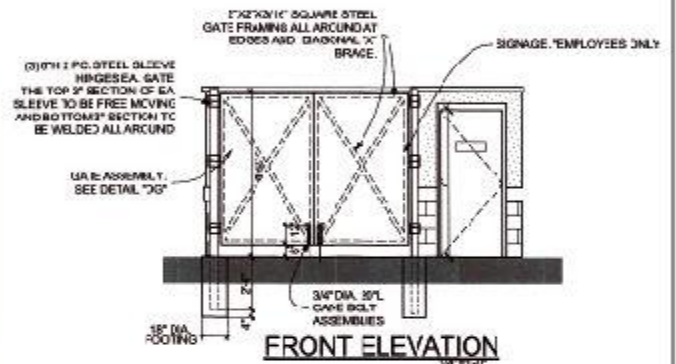
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 APPLICANT Tracy Diehl  
 REQUEST Sign Variance



# DETAIL SITE PLAN

SIGN TYPE G: PAINTED PANELS W/ GRAPHICS  
FOR DUMPSTER GATE  
QTY: 1

G



VERIFY DUMPSTER DOOR FRAME  
DIMENSIONS WITH C.C. PRIOR  
TO PRODUCTION

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REQUEST Sign Variance



## DETAIL SITE PLAN

SIGN TYPE H: MARKETING SIGNS / DIGITAL PRINT ON 3/8" FLUTED PLASTIC ON SPRING FRAME  
QTY: 1 EACH



QTY. 1



**Double Sided**

QTY. 1



Double Sided

QTY. 1



**Positive Sided**

QTY. 1



Crayble Sided

QTY. 1



**\*Black studies programs reduced days in it was**

**QTY. 2**

74.75°



### GATE ARM SIGNS AT CAR WASH ENTRANCE

## PORTABLE SPRING INTERNAL ADVERTISING SIGNS



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APPLICANT \_\_\_\_\_ Tracy Diehl

REQUEST \_\_\_\_\_ Sign Variance \_\_\_\_\_



NTS

